



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,853	02/27/2004	Sridhar Jawaharlal	12406/94	8491
545	7590	06/30/2008		EXAMINER
IP Patent Docketing				YOO, JASSON H
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP				
599 Lexington Avenue			ART UNIT	PAPER NUMBER
33rd Floor				3714
New York, NY 10022-6030				
			MAIL DATE	DELIVERY MODE
			06/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,853	JAWAHARLAL, SRIDHAR	
	Examiner	Art Unit	
	Jasson H. Yoo	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 March 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) 56 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-55 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Election/Restrictions

Newly submitted claim 56 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Original claims 1-55 is directed to a lottery system to playing in the wireless network environment comprising one user account per terminal. As indicated in Applicant Arguments (filed on 3/17/08), Claim 56 is directed to multiple players sharing entries in a wagering game using a remote user terminal. This allows debiting of more than one user account and crediting a contribution share percentage. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 56 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

Claims 8 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 35 recite the limitation of "store a first account record for the first remote user terminal". Applicant also argues (in response to arguments filed on 3/17/08) that an account for the first remote user terminal does not necessarily mean an account record for a user. Applicant argues that the record is for the terminal.

However, it is not clear how the account is for the terminal when it is used for debit an amount to play game by a player, game and credit an amount for a winning game played by a player. Paragraph 27 of Applicant's specification (US 2005/0192078) suggests that that account is for the player. If the account is for the terminal, it is not clear how a terminal plays a game. Thus the account must belong to a user, using the terminal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-37, 39-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akalley (GB 2385802).

Akalley discloses a remote access based gaming system and a method for remote access game playing, for enabling a user to play a lottery game using a cellular phone (abstract). The gaming system enables the user to enter the lottery game using text message in the form of an SMS message (abstract, page 2, line 21). More than one cellular telephone in the network (page 4, lines 20-21), it is implied that numerous cellular telephones are used with the gaming system. The gaming comprises a text message entry system 10 which acts as an application server and an aggregator to

collect and transfer the entry from the cellular phone to the lottery system 14 and to communicate with the lottery system 14. A database (28 in Fig. 2) is used to store player account and debit from the accounts the play the game (page 4, lines 25 – page 5, lines 13, page 8, lines 12-25). If the player's account is established with credits, a portion or a percentage of the account is used to play the lottery game (page 8, lines 12-25). The winning game players are contacted with an appropriate text message (90 in Fig. 4, page 9 lines 11-13) and the players' accounts are credited with the winnings accordingly (page 8, 22-24). The display of the first and second SMS text messages is considered to be an enriched graphics of text messages that represents a lottery game. Akalley discloses the claimed invention but fails to specifically the data center is configured to transfer fund, into and out of a financial entity associated with the player accounts, the SMS message is translated to Java, the specifics processes of translating the SMS messages to Java, and the application server includes a plurality of application servers. Nevertheless, such limitations are well known in the art and would have been obvious to incorporate the limitations into Akalley's gaming devices.

In a network environment a server may consist of one server, or many servers to form a single server. Multiple servers that form a single server are used in networks in order to share the services of the server among a plurality of servers. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akalley's gaming device and have the application server include a plurality of application servers in order to share the servers of the server among a plurality of servers.

Furthermore Akalley's specifically discloses the text message (SMS message) is converted to suitable signal for communication with the lottery interface (page 5:29-6:21). Java is a format that is commonly used in electronic games. Furthermore, Binary and ASCII text formats are also well known formats in the art. It is well known in the art to change one computer format to another. Akalley specifically teaches SMS message format is used to communicate with a lottery gaming system regardless of what format the gaming designer decides to use and convert to. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Akalley's gaming invention, and incorporate the conversion of SMS to ASCII to Binary and to Java in order to provide translate the SMS messages into compatible format of the lottery system.

Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akalley (GB 2385802) in view of Cousineu (US 2004/0162142).

Akalley significantly discloses the claimed invention as discussed above. Akalley discloses funds are transferred to and from the player's account during the player of the game. However, Akalley fails to specifically teach that a financial entity is associated with the players account. Nevertheless Cousineu discloses a method of playing a lottery game using SMS or Java on a cell phone wherein a financial entity is associated with the players account (32 in Fig. 1). The Financial entity allows players to user their financial accounts to directly pay for the lottery game. Winnings are also transferred direction to the player financial account. Associating a financial entity with the players

account facilitates the funding and crediting process by allowing the lottery system to directly access the financial account instead of providing an intermediate account system. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Akalley's gaming system and associate a financial entity with the players account in order to facilitate the funding and crediting process.

Response to Arguments

Applicant's arguments filed 3/17/08 have been fully considered but they are not persuasive.

Regarding the claims 8 and 35. Applicant argues that an account for the first remote user terminal does not necessarily mean an account record for a user. Applicant argues that in one embodiment it the record is for the user, the other it is for the terminal. However, as discussed in the 112 rejection above, it is not clear how the account is for the terminal when it is used for debit an amount to play game by a player, game and credit an amount for a winning game played by a player. Paragraph 27 of Applicant's specification (US 2005/0192078) suggests that that account is for the player. If the account is for the terminal, it is not clear how a terminal plays a game. Thus the account must belong to a user, using the terminal.

Claims 1-10, 12-37, 39-55, Applicant argues that it is not obvious to convert from Java into SMS text message. Applicant also argues that it is not obvious to convert SMS to ASCII to Binary and to Java. However as discussed above, Akalley's

specifically discloses the text message (SMS message) is converted to suitable signal for communication with the lottery interface (page 5:29-6:21). Java is a format that is commonly used in electronic games. Binary and ASCII text formats are also well known formats in the art. It is well known in the art to change one computer format to another. Akalley specifically teaches SMS message format is used to communicate with a lottery gaming system regardless of what format the gaming designer decides to use and convert to. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Akalley's gaming invention, and incorporate the conversion of SMS to ASCII to Binary and to Java in order to provide translate the SMS messages into compatible format of the lottery system. Applicant does not provide specific arguments why the conversion of Java into SMS text message. Furthermore, Applicant did no invent the method of converting one computer language into another computer language. As indicated in the pertinent art cited in the prior Office Action (Office Action dated 9/14/08), US 2004/0162142 discloses a method of playing a lottery game using SMS or Java on a cell phone. Thus it is obvious to use these languages or formats to play a lottery game and provide the appropriate language/format conversions.

Furthermore, Applicant argues that the claimed invention fails to teach the first and second gaming SMS text messages relate to an enriched graphics lottery game. The claim does not specifically define "an enriched graphics lottery game". It can be interpreted that anything that can be displayed to be an enriched graphic. Even these words within this Office Action can be considered to be an enriched graphic. Thus a

text message that displays a lottery game on a display device of a gaming terminal is considered to be related to an enriched graphics lottery game.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

JHY